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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,052	10/23/2003	Yi-Chung Chan	JCLA9844	1566

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J C PATENTS, INC.  
4 VENTURE, SUITE 250  
IRVINE, CA 92618

EXAMINER
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BIBBINS, LATANYA

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/693,052	<b>Applicant(s)</b> CHAN, YI-CHUNG	
	<b>Examiner</b> LaTanya Bibbins	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In the remarks filed on December 18, 2006, Applicant amended claim 11, cancelled claims 19 and 20, and submitted arguments for allowability of pending claims 1-18.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments filed December 18, 2006, with respect to claim 7, have been fully considered but they are not persuasive. Applicant argues that Yoshida does not suggest discriminating a type of the optical storage medium by comparing the clock frequency with a frequency threshold but by means of the lock detection signal.

However, Yoshida discloses the use of comparator circuits (Figure 2 elements 93 and 94) to detect the frequency of the wobble signal by using reference or threshold values  $V_{ref1}$  and  $V_{ref2}$  (Col. 4, Lines 38-60) and depending on the output of the comparators the type of optical storage medium is determined (Col 4, Line 61 - Col. 5 Line 18). In addition, prior to the comparator circuits, the amplitude level of the frequency signal is attenuated by a BPF having a predetermined center frequency, thus the output of the comparator is based on the frequency of the wobble signal (Col. 4 Lines 51-60).

4. Applicant's arguments filed December 18, 2006, with respect to claims 8 and 9, have been fully considered but they are not persuasive because they depend on

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Applicant's arguments with respect to claim 7, which are not persuasive for the reasons stated above.

5. Applicant's arguments filed December 18, 2006, with respect to claim 10, have been fully considered but they are not persuasive. Applicant argues that Yoshida discriminates the type of optical storage medium by means of the lock detection signal and does not discriminate by comparing the clock frequency with a frequency threshold.

However, Yoshida discloses the use of comparator circuits (Figure 2 elements 93 and 94) to detect the frequency of the wobble signal by using reference or threshold values  $V_{ref1}$  and  $V_{ref2}$  (Col. 4, Lines 38-60) and depending on the output of the comparators the type of optical storage medium is determined (Col 4, Line 61 - Col. 5 Line 18). In addition, prior to the comparator circuits, the amplitude level of the frequency signal is attenuated by a BPF having a predetermined center frequency, thus the output of the comparator is based on the frequency of the wobble signal (Col. 4 Lines 51-60).

6. Applicant's arguments filed December 18, 2006, with respect to claims 11-18 have been considered but are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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**8. Claims 1 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 1 and 15 recite the limitation "transition regions" in lines 3 and 4 respectively. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**10. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Choi (US Patent Number 5,959,955).**

Regarding claim 1, Choi discloses a method for discriminating an optical, storage medium, comprising: reading a predetermined range of the optical storage medium to obtain a plurality of data transition points, wherein each of transition regions is defined as an interval between two neighboring ones of the data transition points (Col. 3, Lines 50-52, Col. 3, Lines 15 and 16, Col. 3, Lines 24-36); obtaining a longest transition region among the transition regions (Col. 4, Lines 8-12); and discriminating a type of the optical storage medium according to a dimension of the longest transition region (Col. 4, Lines 8-12).

**Regarding claim 2**, Choi discloses the discriminating step comprises: obtaining a time-consumption for reading the longest transition region (Col.4, Lines 13-32, and equations 1 and 2); and comparing the time-consumption with a time threshold to discriminate the optical storage medium (Col. 4, Lines 8-12).

**Regarding claim 3**, Choi discloses the optical storage medium is discriminated as a DVD when the time-consumption is smaller than the time threshold (Col. 4, Lines 47-52).

**Regarding claim 4**, Choi discloses the optical storage medium is discriminated as a CD when the time-consumption is larger than the time threshold (Col. 4, Lines 41-46).

**11. Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al. (US Patent Number 5,764,610).**

**Regarding claim 7**, Yoshida discloses obtaining a clock frequency for reading the optical storage medium (wobble signal detecting circuit, Col. 6, Lines 17-20); and comparing the clock frequency threshold to discriminate a type of the optical storage medium (Col. 4, Lines 9-16).

**Regarding claim 8**, Yoshida discloses the optical storage medium is discriminated as a DVD when the clock frequency is larger than the threshold (Col. 4, Lines 9-16; Col. 6, Lines 25-36).

**Regarding claim 9**, Yoshida discloses the optical storage medium is discriminated as a CD when the clock frequency is smaller than the frequency threshold (Col. 4, Lines 9-16; Col. 6, Lines 25-36).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US Patent Number 5,959,955), as applied to claim 1 above, and further in view of Yamamoto et al. (US PGPub Number 2002/0126607 A1).**

**Regarding claim 5**, although Choi mentions the period of a main clock used in recording a signal on a disk (Col. 3 Lines 28 and 29), Choi does not specifically teach obtaining a clock frequency for reading the optical storage medium. Yamamoto, however, discloses a step of obtaining a clock frequency for reading the optical storage medium (extracting a clock signal, [0041], see Fig. 5, element 21).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Choi and have a step of obtaining a clock frequency for reading the optical storage medium, as disclosed by Yamamoto, in order to appropriately reproduce the recorded data.

**14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Choi (US Patent Number 5,959,955) and Yamamoto et al. (US PGPub Number 2002/0126607 A1), as applied to claim 5 above, and further in view of Hira (US Patent Number 5,381,392).**

Regarding claim 6, the combined teachings of Choi and Yamamoto do not explicitly disclose but Hira suggests the optical storage medium is discriminated as a blank disk when the clock frequency is substantially zero (Col. 3, Lines 53-63).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the combined teachings of Choi and Yamamoto and have an optical storage medium be discriminated as a blank disk when the clock frequency is substantially zero, as suggested by Hira, in order to determine if a disk is blank and thus recordable.

**15. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (US Patent Number 5,764,610), as applied to claim 7 above, and further in view of Hira (US Patent Number 5,381,392).**

Regarding claim 10, Yoshida does not explicitly disclose but Hira suggests the optical storage medium is discriminated as a blank disk when the clock frequency is substantially zero (Col. 3, Lines 53-63).

Therefore, it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Yoshida and have an optical storage medium be discriminated as a blank disk when the clock frequency is



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substantially zero, as suggested by Hira, in order to determine if a disk is blank and thus recordable.

**16. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US Patent Number 5,831,952) in view of Yoshida et al. (US Patent Number 5,764,610).**

Regarding claim 11, Yamada discloses a method for discriminating an optical storage medium (Col. 2, Lines 40-42), comprising: projecting a light beam onto the optical storage medium to obtain a distance between a reflection layer and a surface layer of the optical storage medium (Col. 2, Line 62 - Col. 3, Line 5).

Yamada does not disclose, but Yoshida suggests obtaining a clock frequency for reading the optical storage medium to discriminate the optical storage medium when the obtained distance is larger than a failure threshold (wobble signal detecting circuit, Col. 6, Lines 17-20), wherein the clock frequency is compared with a frequency threshold to discriminate a type of the optical storage medium (Col. 4, Lines 9-16), wherein the optical storage medium is discriminated as a DVD when the clock frequency is larger than the frequency threshold and the optical storage medium is discriminated as a CD when the clock frequency is smaller than the frequency threshold (Col. 4, Lines 9-16, and Col. 6, Lines 25-36).

Therefore, it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Yamada and have a step of obtaining a clock frequency for reading the optical storage medium to discriminate the

optical storage medium when the obtained distance is larger than a failure threshold, wherein the clock frequency is compared with a frequency threshold to discriminate a type of the optical storage medium, as disclosed by Yoshida, since different types of media require distinct reproduction parameters, resulting in an effective manner to distinguish among them.

In addition, it would have also been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Yamada, and have an optical storage medium discriminated as a DVD when the clock frequency is larger than the frequency threshold and the optical storage medium discriminated as a CD when the clock frequency is smaller than the frequency threshold, as disclosed by Yoshida, in order to correctly identify a loaded disk and reproduce the data contained therein appropriately.

**Regarding claim 12,** Yamada and Yoshida disclose the optical storage medium is discriminated as a DVD when the obtained distance is smaller than the distance threshold (DVD has a thin base substrate, Yamada Col.3, Lines 4-5).

**Regarding claim 13,** Yamada and Yoshida disclose the optical storage medium is discriminated as a CD when the obtained distance is larger than the distance threshold (CD has a thick base substrate, Yamada Col. 3, Lines 4-5).

**17. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US Patent Number 5,831,952) and Yoshida et al. (US Patent**

**Number 5,764,610), as applied to claim 11 above, and further in view of Hira (US Patent Number 5,381,392).**

Regarding claim 14, Yamada and Yoshida do not explicitly disclose but Hira suggests the optical storage medium is discriminated as a blank disk when the clock frequency is substantially zero (Col. 3, Lines 53-63).

Therefore, it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Yamada and Yoshida and have an optical storage medium be discriminated as a blank disk when the clock frequency is, substantially zero, as suggested by Hira, in order to determine if a disk is blank and thus recordable.

**18. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. (US Patent Number 5,831,952) and Yoshida et al. (US Patent Number 5,764,610), as applied to claim 11 above, and further in view of Kumagai (US Patent Number 6,005,832).**

Regarding claim 15, Yamada and Yoshida do not disclose but Kumagai does suggest a step of reading a predetermined range of the optical storage medium to obtain a plurality of data transition points when the obtained distance is larger than a failure threshold, wherein each of the transition regions is defined as an interval between two neighboring ones of the data transition points (discrimination signal and measured times t1 and t2, Col. 14, Lines 24-29 and 39-47, see Fig. 17C, elements 11 and 13, and Fig. 17E, elements 12 and 14).

Therefore, it would have been obvious at the time of the invention to one ordinarily skilled in the art to supplement the teachings of Yamada and Yoshida and have a step of reading a predetermined range of the optical storage medium to obtain a plurality of data transition points when the obtained distance is larger than a failure threshold, wherein each of the transition regions is defined as an interval between two neighboring ones of the data transition points, as suggested by Kumagai, in order to effectively discriminate between types of optical disks.

**Regarding claim 16**, Yamada and Yoshida do not disclose but Kumagai does disclose obtaining a longest transition region among the transition regions (comparing the measured times and threshold value, Col. 14, Lines 48-53); and discriminating a type of the optical storage medium according to a dimension of the longest transition region (Col. 14, Lines 53-55; Col. 15, Lines 60-65; Col. 16 Lines 6-10).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Yamada and Yoshida and obtain a longest transition region among the transition regions and discriminate a type of the optical storage medium according to a dimension of the longest transition region as disclosed by Kumagai, since different types of optical disks will yield different measured times, resulting in an effective manner to distinguish among them.

**Regarding claim 17**, Yamada and Yoshida do not disclose but Kumagai does disclose the discriminating step comprises: obtaining a time-consumption for reading the longest transition region (discrimination signal and measured times  $t_1$  and  $t_2$ , Col. 14, Lines 24-29 and 39-47; Col. 15, Lines 60-65; Col. 16, Lines 6-10); and comparing

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the time-consumption with a time threshold to discriminate the optical storage medium (comparing the measured times and threshold value, Col. 14, Lines 48-53).

Therefore, it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Yamada and Yoshida and obtain a time-consumption for reading the longest transition region, and compare the time-consumption with a time threshold to discriminate the optical storage medium, as disclosed by Kumagai, since different types of optical disks will yield different measured times, resulting in an effective manner to distinguish among them.

**Regarding claim 18**, Yamada and Yoshida do not disclose but Kumagai does disclose the optical storage medium is discriminated as a DVD when the time-consumption is smaller than the time threshold and the optical storage medium discriminates as a CD when the time-consumption is larger than the time threshold (Col. 15, Lines 60-65; Col. 16, Lines 6-10).

Therefore, it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Yamada and Yoshida and have optical storage medium discriminated as a DVD when the time-consumption is smaller than the time threshold and the optical storage medium discriminated as a CD when the time-consumption is larger than the time threshold, in order to correctly identify a loaded disk and reproduce the data contained therein appropriately.

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**Conclusion**

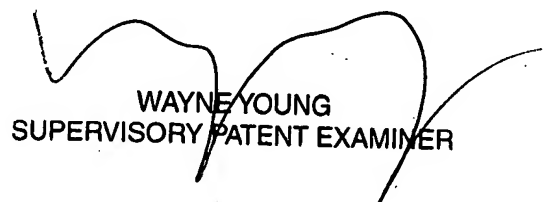
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaTanya Bibbins whose telephone number is (571) 270-1125. The examiner can normally be reached on Monday through Friday 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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